THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.5702 OF 2006

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DATED: 23-03-2006

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BETWEEN

Palivela Madhu, S/o. Musalayya,

Sarpanch, Gram Panchayat,

Atchutapuram,

Kapileswarapuram Mandal,

East Godavari District

and others.

...PETITIONERS

AND

The Principal Secretary

Panchayat Raj Department,

Government of Andhra Pradesh,

Secretariat Buildings,

Hyderabad and others.

...RESPONDENTS

ORDER:

In this writ petition Sarpanchas of various Gram Panchayats of Kapileswarapuram Mandal of East Godavari District question the memo issued by the Government of Andhra Pradesh, Panchayat Raj Department (PTS-III) Department, dated 04-1-2006 in Memo.No.196/Pts.III/A1/2006-I, as illegal, arbitrary and violative of the rules framed under GO.Ms.No.30, dated 20-1-1995.

The said memo reads as follows:

GOVERNMENT OF ANDHRA PRADESH

PANCHAYAT RAJ AND RURAL DEVELOPMENT (PTS.III) DEPARTMENT

Memo.NO.196/Pts.III/2006-1 Dated:04-01-2006.

Sub: Panchayat Raj Elections-Instructions

Regarding Counter sign of Divisional

Panchayat Officers/Mandal Parishad

Development Officers-on the

Cheques – Regarding.

…

In view of the ensuing Panchayat Raj Elections in the State, all the Collectors are requested to direct all the Divisional Panchayat Officers/Mandal Parishad Development Officers to counter sign on the cheques to be presented by the sarpanches so as to safeguard the funds of the Gram Panchayat.

M. SAMUEL

PRINCIPAL SECRETARY TO GOVERNMENT

To

All the District Collectors in the State.

Copy to:

All the District Panchayat Officers

The P.S. to Hon'ble M (PR).

/// Forwarded by Order ///

Sd/-

SECTION OFFICER.

The learned Government Pleader appearing for the respondents submits that the restrictions imposed in the said memo have been lifted vide orders in Memo.No.3352/Pts.III/A-1/2006-I, dated

24-2-2006 issued by the Government of Andhra Pradesh, Panchayat Raj and Rural Development (Pts.III) Department.

Para no.3 of the said order, reads as follows:

> 3. In partial modification of the instructions issued in the Memo cited, Government, hereby lift the restriction of insisting on counter signature of Divisional Panchayat Officers/Mandal Parishad Development Officers on the cheques to be presented by the Sarpanches in so far it relates to General Funds of the Gram Panchayats, with immediate effect.

A perusal of the said order goes to show that instructions issued in the Memo.No.196/Pts.III/2006-1, dated 04-1-2006, which is impugned in this writ petition insisting upon counter signature of the Divisional Panchayat Officers/Mandal Parishad Development Officers on the cheques to be presented by the sarpanchas in respect of General Funds of the Gram Panchayat have been lifted.

The learned counsel for the petitioners submits that as per Memo.No.196/Pts.III/2006-1, dated 04-1-2006, restrictions have been imposed with regard to counter-signature on the cheques only to safe guard the funds of the Gram Panchayat but the orders of the Government dated 24-2-2006 only the Government lifted partial restriction in so far the General Funds of the Gram Panchayat are concerned but not all the Funds of the Gram Panchayat.

The learned Government Pleader for the respondents submits that the memo dated 04-1-2006 in respect of the funds of the Gram Panchayat insofar as the special funds such as SGRY/SFC/EFC there was already restriction to counter sign by the Mandal Parishad Development Officer or Divisional Panchayat Officers or which ever officer is concerned for implementing that scheme and those funds are not exclusively the funds of the Gram Panchayat and therefore the restrictions imposed was only with regard to the funds of the Gram Panchayat and the said restriction which has been lifted is in respect of the said restrictions only.

Having regard to the facts and circumstances, I am of the opinion that the restrictions imposed through the impugned orders dated 04-1-2006, the Government of Andhra Pradesh have already been lifted the restrictions vide orders in Memo.No.3352/Pts.III/A-1/2006-1, Panchayat Raj and Rural Development (Pts.III) Department dated 24-2-2006 and the sarpanchas are entitled to present the cheques without any counter signature of either the Divisional Panchayat Officer or the Mandal Parishad Development Officer in respect of the funds of the Gram Panchayat.

The writ petition is accordingly disposed of. No costs.

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V. ESWARAIAH, J

March 23, 2006

DSK